

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
CHOOSE ONE DIVISION
(Select the Division in which the complaint is filed.)

FILED 21 DEC '17 13:09 USDC-ORP

Mimi German

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Commissioner Chloe Eudaly

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 3:17-CV-2028-MO
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Mimi German
Street Address	10050 N Syracuse St
City and County	Portland
State and Zip Code	OR 97203
Telephone Number	503-453-9005
E-mail Address	mirgerman0000@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Chloe Eudaly
Job or Title (if known)	City Commissioner Portland
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code _____

Telephone Number _____

E-mail Address
(if known) _____**Defendant No. 3**

Name _____

Job or Title
(if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address
(if known) _____**Defendant No. 4**

Name _____

Job or Title
(if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address
(if known) _____**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

First Amendment Right To Petition Government

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) _____, is a citizen of the State of (*name*) _____.

b. If the plaintiff is a corporation

The plaintiff, (*name*) _____, is incorporated under the laws of the State of (*name*) _____, and has its principal place of business in the State of (*name*) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (*name*) _____, is a citizen of the State of (*name*) _____. Or is a citizen of (*foreign nation*) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is
 incorporated under the laws of the State of *(name)*
 _____, and has its principal place of
 business in the State of *(name)* _____. Or is
 incorporated under the laws of *(foreign nation)*
 _____, and has its principal place of
 business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please see attachment 1

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

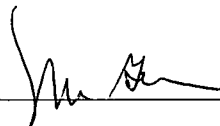
Date of signing: 12/21/17, 20 17.

Signature of Plaintiff

Printed Name of Plaintiff

Mimi German

Mimi German



B. For Attorneys

Date of signing: _____, 20____.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Plaintiff

Mimi German

ADDRESS

V.

Chloe Eudaly

1221 SW 4th Ave, Suite 210, Portland, OR 97204

Individually and in Her Official Capacity as Official of the City of Portland, Oregon

INTRODUCTION

Plaintiff Mimi German (hereinafter referred to as "Ms. German"), is an engaged citizen and activist who regularly attends Portland City Council meetings to offer testimony. Ms. German has been shocked and appalled by the conduct of the current council, and in particular has criticized the behavior and policies of the defendant, City Commissioner Clover Delight Esther Eudaly (hereinafter referred to as "Commissioner Eudaly"), who has held herself out as an "activist" while supporting the status quo with regard to the aggressive tactics of the city's police force, advocating ordinances which criminalize homelessness and supporting blatantly unconstitutional laws including an ordinance allowing city commissioners to preemptively ban certain citizens from public meetings one of whom is the Plaintiff, Ms. German.

Acting under color of law, Commissioner Eudaly has retaliated to Ms. German's criticism with a pattern of aggressive bullying, harassment and intimidation intended to have a chilling effect on Ms. German's exercise of her Constitutionally protected rights. Commissioner Eudaly has created public documents related to Ms. German's testimony on a Facebook page that Ms. German is blocked from seeing. Commissioner Eudaly has also engaged in lengthy discussions of about Ms. German's testimony that she is blocked from seeing, exchanges which were visible to lobbyists, other city officials and members of the media. Officials under the direction of Commissioner Eudaly have illegally refused to produce public records that she is the custodian of for Ms. German's review. Commissioner Eudaly has also wrongly denied Ms. German's constitutional right to petition the government by deliberately and flagrantly refusing to be present for her testimony to the city council.

The city has wrongly refused to compel Commissioner Eudaly to attend City Council meetings under Section 2-111 of the city charter and wrongly refused to compel

Attaches 1

Commissioner Eudaly to produce the public documents in her custody, which were lawfully requested by Ms. German, using the authority granted to it under Section 2-109 of the city charter.

I. PARTIES

1. This is a civil rights lawsuit brought to vindicate Ms German's rights protected by the First and Fourteenth Amendments to the United States Constitution and Article 1, Section 8 of the Oregon Constitution. Ms. German brings her action pursuant to 42 U.S.C. §§ 1983, the laws and Constitution of the State of Oregon, and the City Charter of Portland. Ms. German seeks declaratory relief and monetary damages, including punitive damages.

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this civil rights action under 42 U.S. Code § 1983. The court has jurisdiction over the matter of the wrongfully withheld public records under O.R.S 192.490. The court has jurisdiction over the violations of the Portland charter and ordinances under 2015 ORS 3.136.

2. Venue is proper in this judicial district in that Commissioner Eudaly is subject to personal jurisdiction in Multnomah County and 2015 ORS 3.136 specifies that this court has jurisdiction over violations of Portland's city charter.

3. Ms. German is a resident of Portland and Multnomah County during all times relevant to this action. She brings this action on her own behalf for damages resulting from the violation of rights secured by the United States Constitution, the Oregon Constitution and the Portland city charter.

4. Defendant Commissioner Eudaly was at all times relevant hereto an employee of the City of Portland. Defendant Eudaly is sued in her individual and official capacities. Defendant is a "person" under 42 U.S.C. § 1983 and at all times relevant hereto acted under color of law.

III. FACTS

1. On or about June 2017 - November 2017, Ms. German offered testimony to the Portland City Council regarding Police or Houselessness Agenda Items. Displeased and angered with the content of Ms. German's public testimony, Commissioner Eudaly began to retaliate in a malicious, harassing and unlawful manner to bully Ms. German into silence in violation of her constitutional rights.. On or about October 30, 2017, Commissioner Eudaly

followed up by publishing a screed on her Facebook mocking Ms. German which got over 200 responses and generated a number of comments. In the responses Ms. German was called all sorts of foul names, including "witch," "bitch," "psychopath," "unhinged," and had her personal poetry mocked by Commissioner Eudaly's supporters on Commissioner Eudaly's Facebook thread. Supporters said Ms. German should be "locked up in the nut house." One of Commissioner Eudaly's allies asked the Commissioner what they could do to help and another of her supporters posted photographs of a vandalized newspaper office just one block away from Ms. German's own workplace.

2. This is part of a pattern of behavior for the defendant, who has mocked dozens of her perceived enemies in the public sphere using her "personal" Facebook page, which is stored at the URL Facebook.com/Chloesha. Commissioner Eudaly's screeds are filled to the brim with a noxious mix of falsehoods and self-pity intended to stoke her followers to action against her enemies. Ms. German has been a major target of Commissioner Eudaly, but others have been harassed, too, as is shown in exhibits 1 through 10. The threatening and aggressive behavior of the Commissioner and her allies, including incidents of vandalism that the Commissioner posted positively about, has caused Ms. German to experience nightmares and to fear for her personal safety in her home.

3. Ms. German is especially fearful of Commissioner Eudaly's vindictive posts since the Commissioner often misrepresents the truth, including the utterance of blatant falsehoods intended to paint others in unflattering ways. For example, on or about November 11, 2017, Commissioner Eudaly made the false claim that a journalist working for the Oregonian had contacted her after hours for comment, saying that journalist is "not really sharp enough to be covering city hall." Commissioner Eudaly never publicly apologized after it was revealed that she had lied about the time at which she was contacted for comment, which was well before the close of business. On or about April 12, 2017, Commissioner Eudaly used her Facebook page to amend the testimony she offered in support of an ordinance requiring landlords to pay moving expenses for people evicted without cause, admitting after the fact that she knowingly misrepresented the facts of her father's fatal automobile accident, in which, as she was aware before offering testimony which depicted him as an innocent victim, the Commissioner's father drove under the influence at double the posted speed limit and committed a double-homicide. Her post on this subject is attached as an exhibit.

4. On or about December 4, 2017, according to the District Attorney, Commissioner Eudaly directly refused Ms. German's legitimate public records request for documents related to her testimony at city meetings which Commissioner Eudaly created and is the custodian of. Ms. Eudaly has refused to produce these documents in violation of the state public records law as stated in 2015 O.R.S.192.420. In a letter wrongfully denying Ms.

German's request, employee Carrie Wilton, acting under Commissioner Eudaly's direction, made the legally baseless argument that that the page where the Commissioner frequently conducts public business is "personal" and that "the mere fact that a public employee posts information on a private social media page which refers to the public body does not transform that private social media page into a public record." Ms. German and Commissioner Eudaly have no personal relationship and did not know each other prior to the Commissioner taking office. Therefore, it's obvious that all statements Commissioner Eudaly has made about Ms. German are related to her public testimony and political activism, and therefore official records that pertain to the city business. Ms. German believes that the Commissioner knows this and is wrongfully and illegally refusing to produce public documents because they will embarrass her, and will serve as evidence of her other illegal and potentially tortious actions.

5. On or about June 2017-November 2017 Commissioner Eudaly willfully denied Ms. German's constitutional right to petition the government by deliberately and flagrantly refusing to be present for her testimony to the city council, walking out of the council chambers prior to Ms. German's testimony and returning afterward.

6. Ms. German has repeatedly asked the City of Portland to take action to protect her from Commissioner Eudaly's illegal behavior, including in her testimony before the city council on or about November 6, 2017, and has been ignored. Officers including Mayor Ted Wheeler, the City Attorney and the city's Human Resources Department are required by the city charter and their oath of office to protect Ms. German's rights. Specifically, the other city commissioners and the mayor have wrongly refused to compel Commissioner Eudaly to attend City Council meetings under Section 2-111 of the city charter and wrongly refused to compel Commissioner Eudaly to produce the public documents in her custody, which were lawfully requested by Ms. German, using the authority granted to it under Section 2-109 of the city charter.

IV. CAUSES OF ACTION

1. Ms. German's rights to speech and to petition her government are enshrined in the First Amendment to the United States Constitution. The Defendants' actions in mocking and harassing Ms. German, and in soliciting others to do the same, constituted unlawful retaliation by public officials for engaging in activity protected by the First Amendment to the United States Constitution. The actions of Commissioner Eudaly and the city described herein violate the rights of Ms. German to freedom of expression and freedom of speech as guaranteed by the First Amendment of the United States Constitution.

2. Defendant City of Portland is responsible for the violations of ms. German's constitutional rights because of a custom, pattern, practice, or policy of allowing defendant Commissioner

Eudaly deliberate retaliation and/or a deliberately indifferent failure to train, supervise, and discipline officials who engage in such conduct.

3. The Oregon Constitution provides a uniquely expansive right to free expression in Article 1, Section 8, and Commissioner Eudaly's actions in attempting to chill Ms. German's exercise of her rights by mocking the poetry she has presented as testimony violate the spirit of State v. Robertson, 293 Or 402, 649 P2d 569 (1982).

4. Commissioner Eudaly directly, according to the District Attorney, denied the request for public records Ms. German made under 2015 ORS 192.410.

5. The oath of office for officers in the City of Portland directs those officers to protect the state and federal constitutions and the laws of the city and state. Section 2-109 of the city charter gives city officers the power to enforce those laws by conducting investigations of the official acts and conduct of any City officer.

V. RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. That Plaintiff be awarded compensatory damages in an amount to be determined at trial.
2. That Plaintiff be awarded punitive damages in an amount to be determined at trial
3. That Defendant be compelled to produce the public records requested by Plaintiff under Oregon law and wrongly denied by persons under Defendant's direction.
4. That Defendant be compelled to attend all future city council meetings unless she is medically unable.
5. That this Court award pre and post judgment interest.
6. That this Court award Plaintiff such additional relief as the Court deems proper and just.

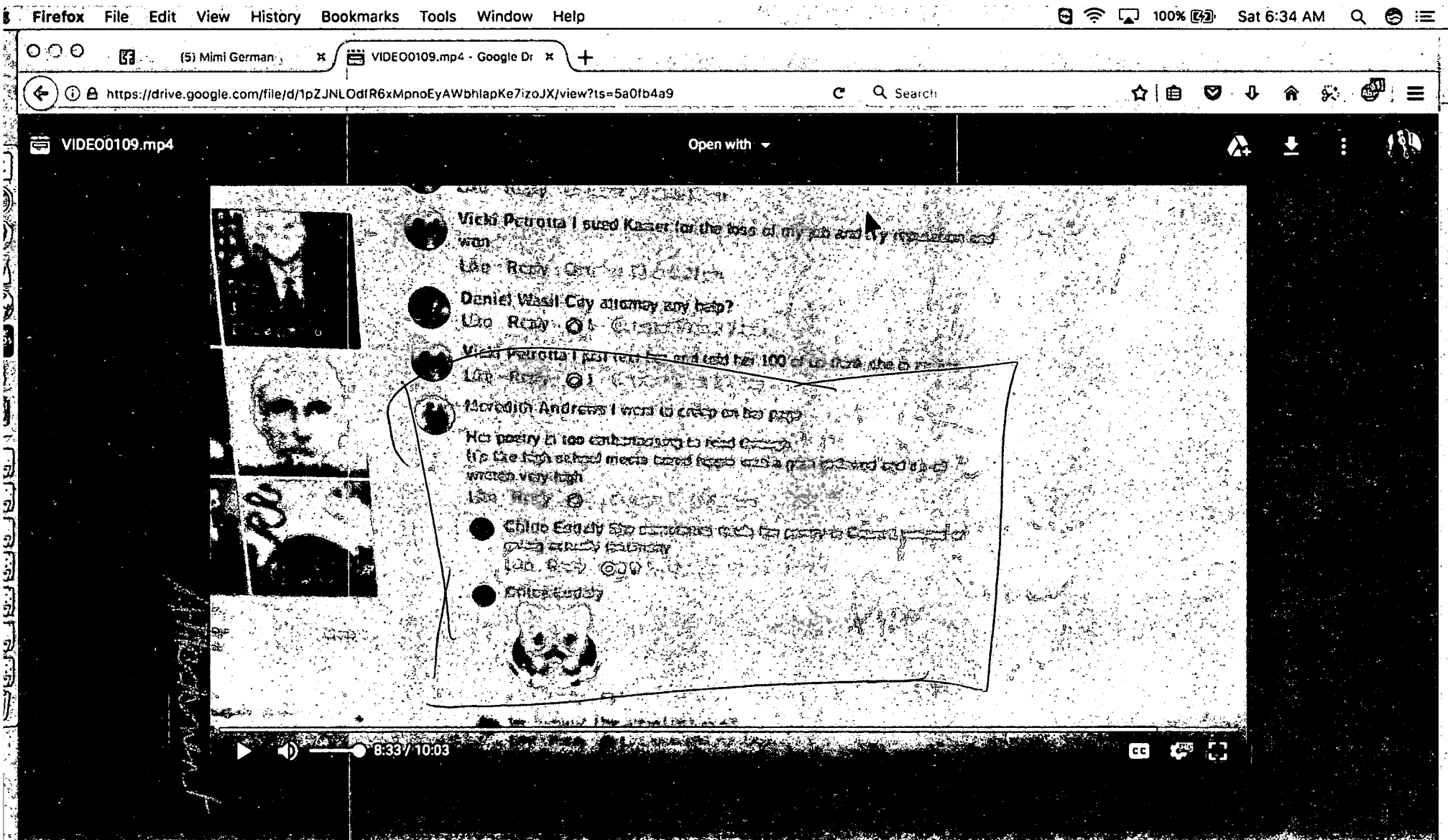
Respectfully submitted,

Mimi German
10050 N Syracuse
503-453-9005
mirgerman0000@gmail.com

JURY DEMAND Plaintiff hereby demands a trial by jury.

Mimi German







Victi Petrolia I sued Kater for the loss of my job and my reputation and won

Like Reply

Daniel Wael City attorney any help?

Like Reply

Victi Petrolia I just lost her and lost her 100 of my work and my job

Like Reply

Meredith Andrews I want to know how to get my job back

Her policy is too complicated to read. It's like high school math. I want to know how to get my job back and my reputation back.

Like Reply

Chloe Eudaly She says she will help me get my job back and my reputation back.

Like Reply

Chloe Eudaly



Chloe Responds
Calling out my
Public Testimony

Refers to his personal FB page

Open with

David Naiman I don't think they ever endorsed a Democrat until 1992! And when they endorsed Bush over Gore in 2000 they said they "love it that Bush has shown he has the intellect, character, fortitude and talent to be a better president"

W/ Rep. 450 is "a man of high integrity"

David Chelton Don't you have a staff to respond to this kind of stuff?

Chloe Eudaly This is my personal Facebook page. My only concern is that they might wish they did

Deborah Garrison Chelton's Facebook page is being monitored by above mentioned. Also I have been informed that they are not to be mentioned in your work or in any other way

Don't talk to me I don't want to know who the fucking asshole is who is monitoring a man's page. Just tell me if you can find out who the asshole is and tell me what the asshole is doing to me

Reference to City Council Mtg -

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(4) Mini German

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VIDEO00109.mp4 100% [22] Sat 6:32 AM

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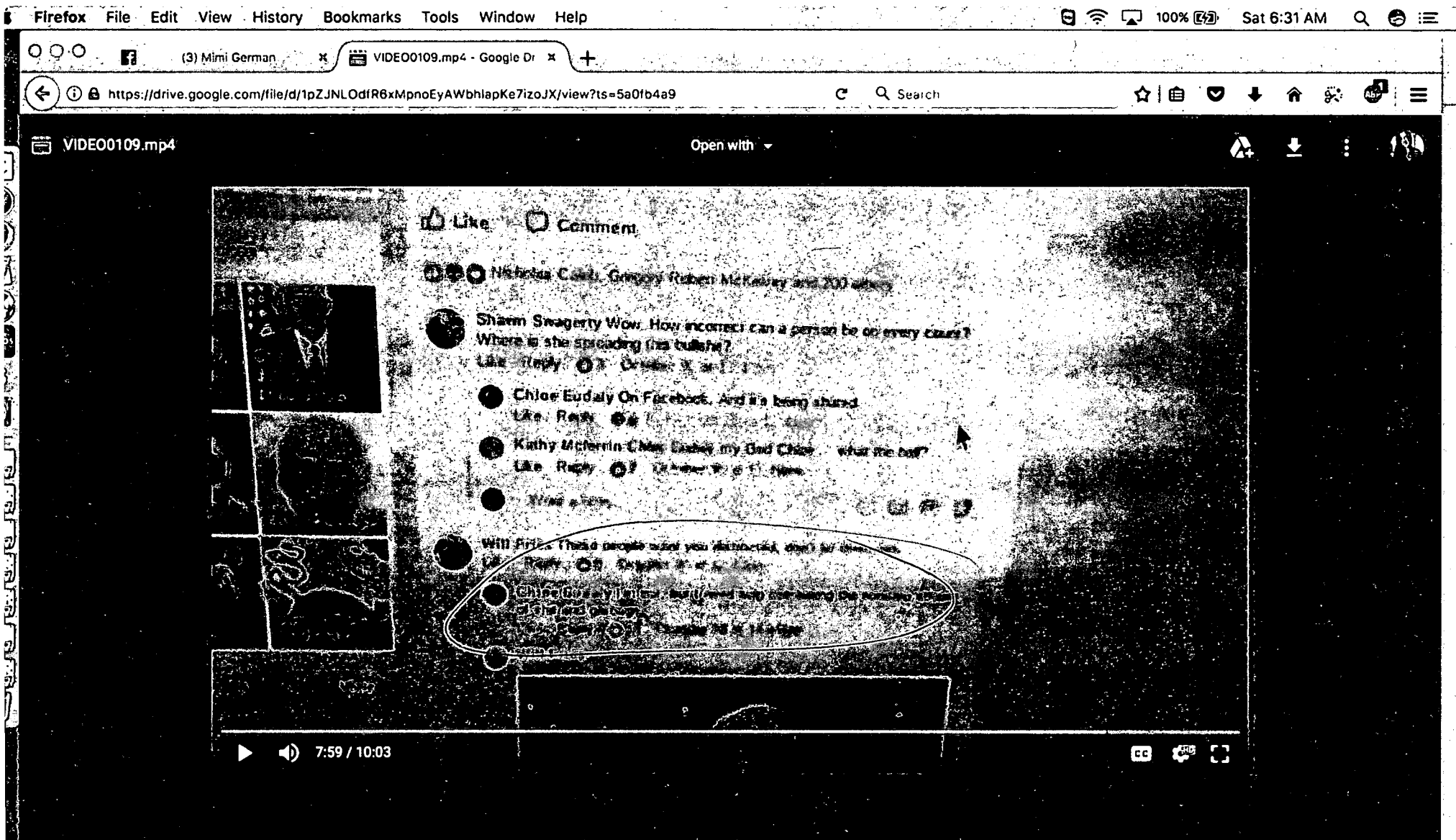
Search

VIDEO00109.mp4

David Childers I really have voted for Chester Bostick
Lila Remy
Maggie Porter
City Council Meetings
Portland, Oregon City Auditor - Oregon 97005 Sep
Lila Remy
Harry Devereux These people running for the City Council in the last election
Lila Remy
Chester Bostick I will not vote for him
Lila Remy
Dean Erickson I remember he was on the City Council for many years and then
the last time he was on the City Council
Lila Remy
Also, I think I think of these people as a lot of the last time
they were on the City Council. They were not running for the
City Council
Lila Remy
These people are running for the City Council and I think they are running for the
City Council

8:19 / 10:03

Chloe: "I need help combatting the shit and garbage" - referring to me.



Firefox File Edit View History Bookmarks Tools Window Help

VIDEO00109.mp4 - Google Dr

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100% 100% Sat 6:35 AM

VIDEO00109.mp4

Open with

Like Reply

Carrie James ignore. Most people are capable of considering the source.

Like Reply

Julie Swenson This Manipulation is rather uncreative as are her followers.

Like Reply

Ian Schultz It's so Portland it's a crime in that town who wants to spend you. She is completely unimpaired and the fact she has followers is just sad.

Like Reply

Thelma Nelson Self-proclaimed "free media" Free media is common sense.

Like Reply

Christine She likes the Graceland Dead who is much to like her.

Like Reply

Christine She likes the Graceland Dead who is much to like her.

Like Reply

Christine She likes the Graceland Dead who is much to like her.

8:51 / 10:03

Like Reply

Mary DeMio These people remind me of the dwarves in The Last Battle

Like Reply

Catherine Stauffer I will look for it. And I am being referred to coming after me in FB + sound medicine

Like Reply

Sean MacKenzie It boggles my mind that you keep getting attacked here the left what the hell people?

Like Reply

Alan Silver I think at some point people started to fear the left and they're not on the left any longer. They've gone somewhere and they're not.

Like Reply

Vicki Perrotta Celine looks like a good friend that Maria and I have.

Like Reply

Like Reply

Celine Perrotta

More references to my poetry which is used @ City Council

Firefox File Edit View History Bookmarks Tools Window Help

(5) Mimi German VIDEO00109.mp4 - Google Dr

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VIDEO00109.mp4

Open with

Like - Reply

Jan Schultz This woman needs to be locked up in the nut house

Like - Reply

Jan Schultz She just called me a rape apologist for defending the innocent

Like - Reply

Robert Peate Everyone who does anything receives this kind of abuse. I agree it is horrible. She should get a life

Like - Reply

Alex Berr If it's any consolation she is a racist cunt

Like - Reply

Jan Schultz mimi are

Like - Reply

Alex Berr Yes. That conversation is a discussion with her with both sides. I will not be attacked for such things

Like - Reply

Alex Berr I am not a racist. I am a human being

Like - Reply

9:22 / 10:03

CC

100

15

ian Schultz. The woman needs to be picked up on the red house

3

ian Schultz Stein: called me a "top adviser" for defending you on Twitter

1991

Robert Dean: Everyone who does anything receives their kind of reward. I agree it is horrible. She should get a life.

1

Alan Behr II is my cousin, who is a lawyer and

10

121

10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-14-2001 BY 60322 UCBAW

SECRET

[illegible]

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE

[illegible]

100

More
ridiculous
from the
thread.

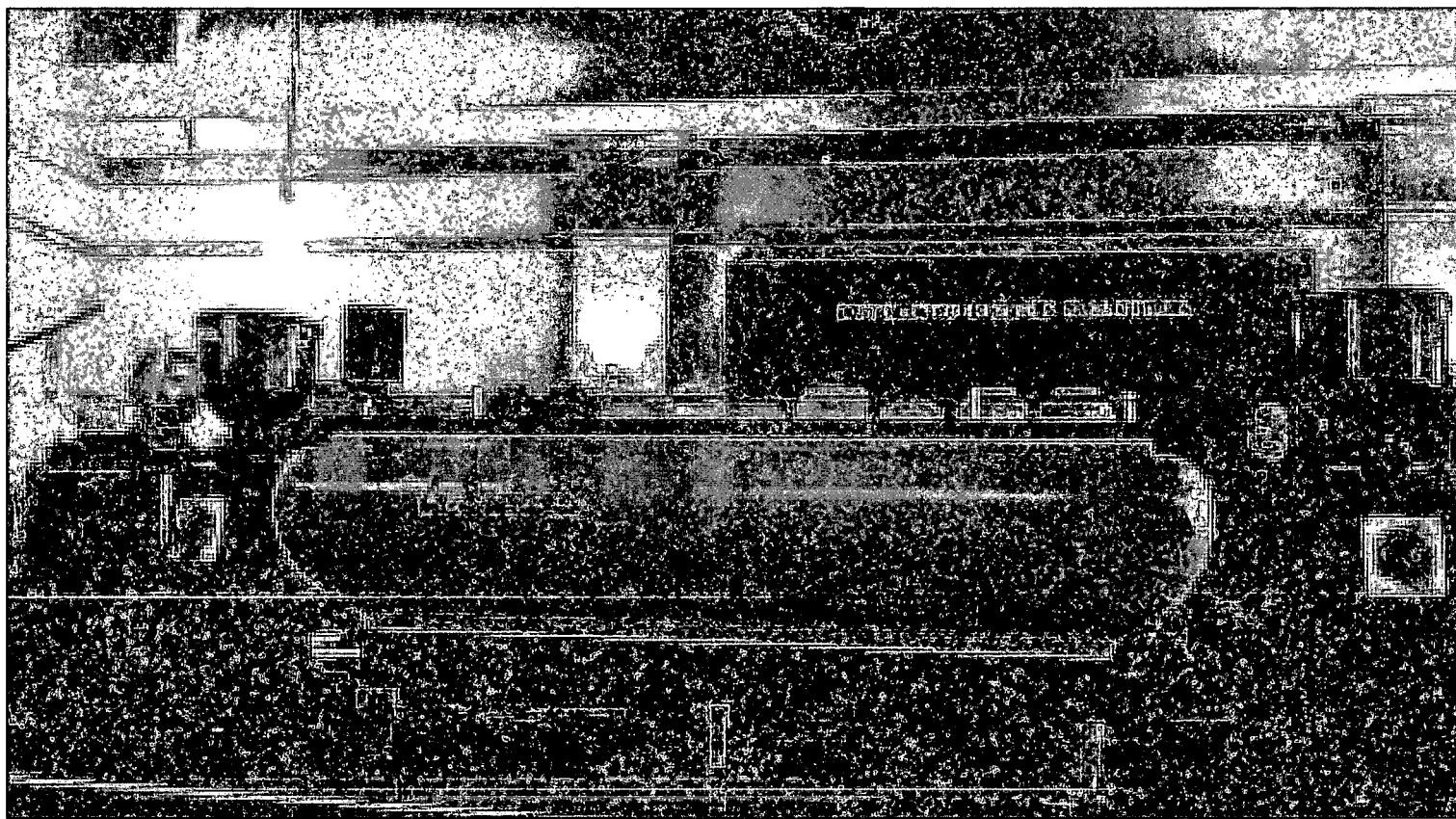
Commissioner Eudaly was skipping a City Council mtg when she posted this. Her office lied for her saying she was sick. They had to rescind their statement.



Chloe Eudaly is ☕ drinking coffee with Rich Burton and 2 others at ☕ Extracto Coffee Roasters.

November 15 at 10:05am · Portland · 11

Rare free morning, so I scooted over to my old haunt but none of my crew was there. 🙄



Like



Comment